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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,879	03/27/2000	JOHN J. HASWELL	AND1P550	3371

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OPPENHEIMER WOLFF & DONNELLY, LLP (ACCENTURE)
PLAZA VII, SUITE 3300
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1609

EXAMINER
MASKULINSKI, MICHAEL C

ART UNIT	PAPER NUMBER
2184	10

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 April 2003</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 March 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u> .   6) ☐ Other: .

Non-Final Office Action

Claim Rejections - 35 USC § 102

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.   Claims 1, 3, 5-7, 9, 11-13, 15, 17, and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Testardi, U.S. Patent 6,249,882.

        Referring to claims 1, 7, and 13, Testardi teaches receiving script data (column 5, lines 39-65), creating reports based on the received script data (column 5, lines 58-61 and column 10, lines 45-61), translating the received script data into automation code (column 10, lines 4-31), and providing automated testing utilizing the automation code (column 10, lines 32-44). Further, in column 5, lines 58-61, Testardi discloses program source code files (script data). Source code is inherently human-readable and it comprises words having commonly understood meanings. Therefore, Testardi teaches that the script data comprises a plurality of words having commonly understood meanings.

        Referring to claims 3, 5, 6, 9, 11, 12, 15, 17, and 18, since the Applicant has not amended these claims, the Examiner maintains the rejection from the previous Office Action, paper no. 6, mailed December 12, 2002, the body of which can be found there.

3.   Claims 19, 20, 22-25, 27, 28, 30, 32, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Halviatti et al., U.S. Patent 5,475,843.

        Referring to claims 19, 22, 24, 27, and 32:

a.   In the Abstract, Halviatti et al. disclose that the test script consists of easy-to-maintain, high-level testing commands (receiving a word having a commonly understood meaning).

b.   In column 31, lines 23-55, Halviatti et al. disclose a Generic Element Model or GEM. A GEM encapsulates the behavior of irreducible user interface elements such as push buttons, checkboxes, listboxes, menu items, and the like. When a GEM is instantiated, it takes two parameters: a reference to its parent and a resource id which uniquely identifies this GEM among its siblings. During construction, the GEM loads its expected results from the Resource Database using a key consisting of its parent's unique id concatenated with its own id (querying a database for the word, the database containing a plurality of words, each word having associated with it a set of one or more computer instructions which, when executed by the automation testing tool, causes the computer to perform a function that is related to the commonly understood meaning of the word).

c.   In column 34, lines 19-23, Halviatti et al. disclose that GEMs contain no information about their characteristics (e.g. text labels) in their declarations or definition. Instead, a GEM loads its characteristics from the Resource Database during construction (retrieving the instruction set corresponding to the word from the database).

d.   In column 35, lines 11-15, Halviatti et al. disclose that GEMs can attach themselves to the actual object on the screen that they represent. This ability to

bind to screen elements enables any given visual element on the screen to be examined at runtime (performing the function that is related to the commonly understood meaning of the word using the automated testing tool).

e.   In column 2, lines 55-58, Halviatti et al. disclose that the Script Engine, in turn, matches an incoming message with reserved words of the script. Appropriate action, based upon use of the reserved word within the script, is then effected. Further, in column 5, lines 50-57, Halviatti et al. disclose that the UI also serves to display results of an operation (presenting the instruction set to a user in human-readable form).

Referring to claims 20, 25, and 30, in column 41, lines 50-54, Halviatti et al. disclose a test script containing words from the English language.

Referring to claims 23, 28, and 33, in column 2, lines 55-58, Halviatti et al. disclose that the Script Engine, in turn, matches an incoming message with reserved words of the script (wherein the steps of receiving, querying, retrieving, and performing are carried out with respect to a plurality of words).

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5.   Claims 2, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Testardi, U.S. Patent 6,249,882. The Examiner maintains the rejection from the previous Office Action, paper no. 6, mailed December 12, 2002, the body of which can be found there.

6.   Claims 4, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Testardi, U.S. Patent 6,249,882 as applied to claims 1, 7, and 13 above, and

further in view of Silva et al., U.S. Patent 6,014,760. The Examiner maintains the

rejection from the previous Office Action, paper no. 6, mailed December 12, 2002, the

body of which can be found there.

7.   Claims 21, 26, and 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Halviatti et al., and further in view of Harel, U.S. Patent 6,064,381.

        Referring to claims 21, 26, and 31, in the Abstract, Halviatti et al. disclose that

the present invention includes a Computer-based Training system having one or more

Application Translation Units, a Message Engine, and a Script Engine. Further, in

column 36, lines 36-40, Halviatti et al. disclose modeling the Application using Windows

Notepad. However, Halviatti et al. do not explicitly disclose that the automation testing

tool is software developed by MERCURY INTERACTIVE commonly known as

WINRUNNER. In column 14, line 65 through column 15, line 10, Harel teaches using

the automation testing tool software developed by MERCURY INTERACTIVE

commonly known as WINRUNNER. It would have been obvious to one of ordinary skill

at the time of the invention to include the automated testing tool developed by

MERCURY INTERACTIVE commonly known as WINRUNNER of Harel into the system

of Halviatti et al. A person of ordinary skill in the art would have been motivated to

make the modification because WINRUNNER of MERCURY INTERACTIVE is a

conventional means for automation (see Harel: column 14, lines 65-67 continued in

column 15, lines 1-5).

Allowable Subject Matter

8.   The indication of allowable subject matter in claims 22, 27, and 32, as indicated

in the previous Office Action, paper no. 6, mailed December 12, 2002, has been

withdrawn by the Examiner, and the claims have been rejected in the above

paragraphs.

Response to Arguments

9.   Applicant's arguments filed April 21, 2003, with respect to claims 1, 3, 5-7, 9, 11-

13, 15, 17, and 18 have been fully considered but they are not persuasive. On page 15

of the Applicant's arguments, the Applicant argues, "Testardi neither teaches nor

suggests such a use of commonly understood words and therefore fails to show each

and every element of these claims." The Examiner respectfully disagrees. Testardi

teaches a use of commonly understood words. This is indicated in paragraph 2 above.

10.   Applicant's arguments, see paper no. 9, filed April 21, 2003, with respect to the

rejection(s)of claim(s) 19, 20, 23-25, 28-30, and 33 under 35 USC § 103(a) as being

unpatentable over Testardi, U.S. Patent 6,249,882 in view of Silva et al., U.S. Patent

6,014,760 have been fully considered and are persuasive. Therefore, the rejection has

been withdrawn. However, upon further consideration, a new ground(s) of rejection is

made in view of Halviatti et al., U.S. Patent 5,475,843.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Patent 6,421,822 B1   Pavela

U.S. Patent 6,002,869   Hinckley

U.S. Patent 5,892,947   DeLong et al.

U.S. Patent 5,754,755   Smith, Jr.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (703) 308-6674. The examiner can normally be reached on Mon-Thu 7:30-5 and Fri. 7:30-4 (second Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MM
June 12, 2003

ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100